

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

ENTERED
OCT 21 2003
#2

STATE OF OREGON
Marion County Circuit Courts
OCT 21 2003
FILED

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

CITY OF SALEM, an Oregon municipal
corporation,

Plaintiff,

v.

PRINGLE, LLC, an Oregon limited liability
company; STATE OF OREGON; UMPQUA
BANK, as successor to SOUTH UMPQUA
BANK; LUMBERMEN'S OF WASHINGTON,
INC., a Washington corporation, dba
Lumbermen's Building Centers; and
MARION COUNTY, a political subdivision
of the State of Oregon,

Defendants.

No.

03C19750

COMPLAINT

(Not Subject to Mandatory Arbitration)

COMES NOW plaintiff and for a cause of action against defendants, alleges as follows:

1.

That City of Salem, Oregon, is, and at all times mentioned herein has been, a municipal
corporation duly organized and existing under and by virtue of the laws of the State of Oregon.

2.

That on September 8, 2003, the City of Salem, by and through its council, duly passed and
adopted Resolution No. 2003-115, determining and declaring public interest and use requires the
condemnation and acquisition of real property for a pipeline easement and temporary construction
easement over a portion of the property owned by defendants, in conjunction with the STRONG ROAD
SEWER RELIEF LINE project. Said property is described in Exhibit A, which is incorporated herein
and made a part of this Complaint.

1 3.

2 That the true value of the real property being appropriated by the plaintiff and the damages, if
3 any, resulting from the appropriation thereto, is the sum of \$25,100.00.

4 4.

5 That prior to the commencement of this action, plaintiff attempted by negotiation, purchase, and
6 agreement to acquire the property, but alleges that it is unable to reach agreement with the owner,
7 Pringle, LLC with respect to the compensation to be paid, and therefore, prosecutes this action.

8 5.

9 The State of Oregon may claim some right, title, or interest in and to the real property described
10 in Exhibit A by virtue of an easement for pipeline purposes, recorded September 15, 1948, Book 394,
11 Page 51, Marion County, Oregon.

12 6.

13 Umpqua Bank may claim some right, title or interest in and to the real property described in Exhibit
14 A by virtue of:

- 15 a) A Deed of Trust, recorded November 30, 2000, Book 1735, Page 245, Marion County,
16 Oregon;
17 b) An Assignment as additional security for the obligations secured by Deed of Trust, recorded
18 November 30, 2000, Book 1735, Page 246, Marion County, Oregon; and
19 c) A financing statement recorded in the Office of the County Recorder on November 30, 2000,
20 Book 1735, Page 247.

21 7.

22 Some right, title or interest in the acquisition described in paragraph 5 hereof is claimed by defendant
23 Lumbermen's of Washington, Inc. by virtue of a claim of construction lien, recorded May 23, 2003, Book
24 2127, Page 188.

8.

Marion County may claim some right, title, or interest in and to the real property described in Exhibit A by virtue of tax account no. R74591 for unpaid property taxes, and any assessments collected with taxes, for fiscal years 2001-2002 and 2002-2003; and

WHEREFORE, plaintiff prays that an assessment be made by a jury empaneled in this action to determine the compensation to be paid by reason of the appropriation of said property interest and that upon such payment into court of the compensation assessed by jury, a judgment be given vesting in plaintiff the property, free and clear of all liens and encumbrances.

DATED: October 17, 2003.

Respectfully submitted,
CITY OF SALEM
Legal Department

By:

David Jonathan Ross, OSB #90370
Assistant City Attorney
OF ATTORNEYS FOR PLAINTIFF
Trial Attorney: David Jonathan Ross, OSB #90370